



In the Matter of

ROBERT J. MORE,

ARB CASE NO. 01-044

COMPLAINANT,

ALJ CASE NO. 2000-STA-23

v.

DATE: MAR 16, 2001

R&L TRANSFER, INC.,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

**ORDER GRANTING COMPLAINANT'S MOTION TO FILE BRIEF,
TIME HAVING EXPIRED**

This case arose when Robert J. More filed a complaint alleging that his employer, R&L Transfer, Inc., terminated his employment in violation of the whistleblower protection provisions of the Surface Transportation Assistance Act of 1982, as amended. 49 U.S.C.A. §31105 (1997). On February 1, 2001, a Department of Labor Administrative Law Judge issued a Recommended Decision and Order (R. D. & O.) recommending that More's complaint be denied.

Pursuant to 29 C.F.R. § 1978.109(c), the Administrative Review Board (ARB) automatically reviews and issues final decisions in all §31105 cases. The regulations further provide that, "[t]he parties may file with the Administrative Review Board, United States Department of Labor, briefs in support of or in opposition to the administrative law judge's decision and order within thirty days of the issuance of that decision . . ." 29 C.F.R. § 1978.109(b)(2). Neither party filed a brief with the ARB within 30 days of the ALJ's R. D. & O.

On March 8, 2000, More, *pro se*, filed a motion with the ARB requesting the Board to permit him to file his brief out of time or in the alternative to give him a thirty-day extension of time in which to file his brief. In support of this motion More alleges that he did not receive the R. D. & O. until February 16, 2001, and that although he attempted to contact a number of Department of Labor officials to determine the procedures for filing briefs on review, he was not informed until he contacted the ARB on March 5, 2001, that the 30-day period for filing a brief ran from the date of the ALJ's decision.

We **GRANT** More's motion to file his brief time having expired and order that the brief, which may not exceed 30 double-spaced pages, be postmarked no later than April 16, 2001.

All motions and other requests for extraordinary action by the Board (including, but not limited to, requests for extensions of time or expansion of page limitations) shall be

in the form of a motion appropriately captioned, titled, formatted and signed, consistent with customary practice before a court. *See, e.g.*, Fed. R. Civ. P. 7(b).

All pleadings, briefs and motions should be prepared in Courier (or typographic scalable) 12 point, 10 character-per-inch type or larger, double-spaced with minimum one inch left and right margins and minimum 11 1/4 inch top and bottom margins, printed on 8 1/2 by 11 inch paper, and are expected to conform to the stated page limitations unless prior approval of the Board has been granted.

An original and five copies of all pleadings and briefs shall be filed with the Administrative Review Board, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S-4309, Washington, D.C., 20210.

FOR THE ADMINISTRATIVE REVIEW BOARD:

Janet R. Dunlop
General Counsel

Note: Questions regarding any case pending before the Board should be directed to the Board's staff assistant, Ernestine Battle.

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